

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Amy Fernandez on 23 June 2008.

The application has been amended as follows:

In the claims:

Claim 1 Line 11 please delete -- each of --

Claim 17 Line 11 please delete -- each of --

The following is an examiner's statement of reasons for allowance:

None of the prior art made of record discloses, teaches, or suggests a toothbrush comprising a handle, a head mounted to the handle, the head including a cleaning element carrier, the carrier being in the form of a peripheral frame having an open central area, a plurality of sets of slots formed in an outer surface of the frame and located at spaced intervals on the frame, a plurality of thin plates, cleaning elements secured to and extending outwardly from the plates along the length of the plates, each of the plates having a first end secured to the frame at one of the slots and a second end secured to the frame at one of the slots, the plates being disposed transversely and

laterally across the open area of the frame, the lateral plates being generally parallel to a longitudinal axis of the handle and perpendicular to the transverse plates and the lateral plates being spaced equidistant to each other and the transverse plates being spaced equidistant to each other, the plates creating an open lattice pattern having through holes over the open area of the frame to facilitate cleaning of the head. Also, none of the prior art made of record discloses, teaches, or suggests a toothbrush comprising a handle, a head mounted to the handle, the head including a cleaning element carrier, the carrier being in the form of a peripheral frame having an open central area, a plurality of sets of joints formed in an outer surface of the frame and located at spaced intervals on the frame, a plurality of base members each having integral strands, wherein each of the base members is a nylon base string and the integral strands are cleaning elements extending outwardly from the base members, each of the base members being stretched across the frame and having a first end secured to the frame at one of the joints and a second end secured to the frame at one of the joints, the base members disposed transversely and laterally across the open area of the frame, the lateral base members being generally parallel to a longitudinal axis of the handle and perpendicular to the transverse base members and the lateral base members being spaced equidistant to each other and the transverse base members being spaced equidistant to each other, and the base members creating an open lattice pattern having through holes over the open area of the frame to facilitate cleaning of the head.

Newly cited D33,070 to Hamilton is similar to the Applicant's device in that there are plates mounted to a frame having an open area, the plates extend transverse of the open area. Hamilton does not disclose that the frame has slots or plates that are parallel to a longitudinal axis of the handle. Also, newly cited US 2,438,268 to Bressler shows a toothbrush having carrier frame with an open area and also including plates with cleaning elements disposed transversely across the open area of the frame. The frame of Bressler does not include slots or plates that are parallel to a longitudinal axis of the handle. Neither of these two patents include a head having a lattice pattern as well.

US 4,500,939 to Gueret is also similar to the Applicant's device in that there are nylon base strings connected to a peripheral frame of a carrier that has an open central area. There are integral strands/cleaning elements integral to the base members/strings. However, Gueret does not disclose that there are joints in an outer surface of the frame so that base members have first and second ends secured to the frame at two joints, the base members are disposed transversely and laterally across the open area of the frame, or that the lateral base members are spaced equidistant to each other and the transverse base members are equidistant to each other. Figures 1-4 of Gueret shows the embodiment where there is a peripheral frame with an open central area. A lattice is formed by the base members/strings in the embodiment of Figures 5-8, but again the base members/strings are not disposed transversely and laterally across the open area of the frame.

US 4,423,531 to Wall was used in prior rejections, and is somewhat similar to the Applicant's invention. Wall does not include a plurality of thin plates, plates having first and second ends secured to the frame at slots formed in an outer surface of the frame, or base members that are nylon base strings. Similarly, US 5,836,036 to Ivory does not include a plurality of thin plates, plates having first and second ends secured to the frame at slots formed in an outer surface of the frame, or base members that are nylon base strings.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Laura C. Guidotti whose telephone number is (571) 272-1272. The examiner can normally be reached on Monday-Thursday, 7:30am - 5pm, alternating Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Monica Carter can be reached on (571) 272-4475. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Laura C Guidotti/
Primary Examiner, Art Unit 3727

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